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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,877	01/20/2004	J. Wayne Long	01221.0002.CPUS01	1876

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EXAMINER

AFSHAR, KAMRAN

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/707,877	Applicant(s) LONG, J. WAYNE	
	Examiner <i>K 12</i> Kamran Afshar, 571-272-7796	Art Unit 2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Shirk (U.S. Patent 6,539,301 B1).

With respect to claim 1, Shirk discloses a key fob communicator comprising: a key fob body (e.g. housing); a receiver (See e.g. Co. 4, Lines 55-65) configured to accept connection of a key to the key fob body; a single activation button located on and the key fob body (See e.g. 80 of Fig. 5, Co. 4, Lines 55-65, Co. 1 Lines -41); key fob communicator being operable within at least one mobile telephone network upon actuation of the single activation button (See e.g. system 24, Co. 4, Lines 55-65 & Co. 1, Lines 19-21).

Regarding claim 2, Shirk discloses a button guard located on the key fob body, the button guard protectively shielding the single activation button from accidental actuation (See e.g. moveable or slidable cover, Co. 2, Lines 18-21 & 30-33).

Regarding claim 3, Shirk discloses the button guard is movable from a shielded position covering the activation button to an unshielded position uncovering the activation button (See e.g. Covering, and exposing the button, Co. 2, Lines 18-21 & 30-33).

C. 4 said key fob communicator is in a power-off configuration when the button guard is in the shielded position and the key fob communicator is in a power-on configuration when the button guard is in the unshielded position (See e.g. moveable or slidable cover, Co. 2, Lines 18-21 & 30-33).

Regarding claim 5, Shirk discloses the button guard is slidably mounted on the key fob body.

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Regarding claim 6, Shirk discloses the key fob communicator is limited to outgoing calls (See e.g. emergency assistance, police assistance call, Co. 2, Lines 39-43).

Regarding claim 7, Shirk discloses the key fob communicator is exclusively operable for communication with a single preset number (See e.g. emergency assistance, police assistance call, Co. 2, Lines 39-43).

Regarding claim 8, Shirk discloses the single preset number is an emergency number (See e.g. emergency assistance, police assistance call, Co. 2, Lines 39-43).

Regarding claim 9, Shirk discloses the emergency number is inherently 911 (See e.g. emergency assistance, police assistance call, Co. 2, Lines 39-43).

Regarding claim 10, Shirk discloses a global positioning system (GPS) receiver adapted for cooperation with GPS satellites for determining the geo-location (See e.g. location, coordinates of the activated key fob communicator (See e.g. Co. 1, Lines 33-51).

Regarding claim 11, Shirk discloses, the key fob communicator is configured to transmit the geo-location of the activated key fob communicator to the receiver of an outgoing call (See e.g. upon activation the request is transmitted, Co. 1, Lines 33-51).

Regarding claim 12, Shirk discloses, the one button communicator is keypad free (See e.g. Co. 4, Lines 61-65).

Regarding claim 13, Shirk discloses, an antenna configured to operate with the key fob communicator (See 70, 74 of Fig. 5).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shirk (U.S. Patent 6,539,301 B1) in view of Crisp (U. S. Patent 6,282,436 B1).

With respect to claim 4, Shirk discloses everything as discussed above in rejected claim 1. However, Shirk was silent teaching the key fob communicator is in a power-off configuration when the button guard is in the shielded position and the key fob communicator is in a power-on configuration when the button guard is in the unshielded position. In the same field of endeavor, Crisp teaches a portable communication device with a sliding cover that moves between positions concealing and revealing a plurality of keys (See e.g. Abstract, Co. 1, Lines 44-59); and the key is in a power-off configuration when the button guard (i.e. sliding cover) is in the shielded position and the key communicator is in a power-on configuration when the button guard (i.e. sliding cover) is in the unshielded position (See e.g. Co. 7, Lines 6-17. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to provide above teaching of Crisp to Shirk to provide a slidable cover (i.e. shield) which can bar access to set of key when the cover is in the first position (see e.g. Co. 2, Lines 20-22).

5. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shirk (U.S. Patent 6,539,301 B1) in view of Narayanaswamy (U.S. patent 6,243,022 B1) further in view of Boling (U.S. Patent 6,044,257).

With respect to claims 15-16, Shirk discloses everything as discussed above in rejected claim 1. However, Shirk was silent teaching the key fob body is protrusion-free from the antenna and / or internally located within the key fob body. In the same field of endeavor, Narayanaswamy teaches a wireless communication terminal comprises of housing including antenna section. The antenna may be located external or may be internal to the housing (See e.g. Abstract, Fig. 2, Co. 3, Lines 29-41). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to provide above teaching of Narayanaswamy to Shirk to provide a retractable and / or slidable antenna to external or internal to the body (i.e. housing) (See e.g. Co. 2, Lines 1-5). The motivation comes from Boling so that the retractable or slidable antenna can easily be stored without worrying about damaging the antenna (See e.g. Co. 4, Lines 13-16).

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6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shirk (U.S. Patent 6,539,301 B1) in view of Furukawa (U.S. patent 6,243,022 B1).

With respect to claim 17, Shirk discloses everything as discussed above in rejected claim 1. However, Shirk was silent teaching the key fob communicator is configured to use replaceable batteries. In the same field of endeavor, Furukawa discloses the key fob communicator (See e.g. Co. 3, Lines 37-38) is configured to use replaceable batteries (See e.g. Co.3, Lines 54-60). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to provide above teaching of Furukawa to Shirk providing a removable portion in the body for periodic replacement of the batteries.

Allowable Subject Matter

7. Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

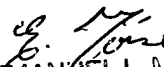
With respect to claim 14, the prior art of record fails to disclose or render obvious that the antenna is of linear configuration and is translationally installed upon the key fob communicator, the antenna is further interconnected with a slide-style button guard so that the antenna is deployed to a position substantially outside the key fob body from a position substantially inside the key fob body when a sliding button guard is moved to an activated configuration from a shielding configuration.

Conclusion

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (703) 305-7373. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached @ (571) 272-3865. The fax number for the organization where this application or proceeding is assigned is (571) 272-7796 for all communications.


Kamran Afshar


EMMANUEL L. MOISE
PRIMARY EXAMINER